

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:
Michael Barclay, et al.

Serial No.: 09/901,421

Filed: July 9, 2001

For: Method And Apparatus For Preventing
Radio Communication System Access By
An Unauthorized Modem

Examiner: Aravind K. Moorthy

Group Art Unit: 2131

Att'y Docket: 2000.053700

Client Docket: TT4043

Confirmation No. 7362

AMENDED APPEAL BRIEF**MAIL STOP APPEAL BRIEF-PATENT**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This Amended Appeal Brief is being submitted in response to the Notice of Non-Compliant Appeal Brief dated June 27, 2007. Appellants have amended the Status of Claims section to properly identify the claims on appeal and the status of the claims, therefore, the Appeal Brief is in compliance with 37 CFR 41.37(c)(1)(iii). The date for response is July 27, 2007. This Amended Appeal Brief is being filed on or before the due date, therefore, it is timely filed.

On January 15, 2007, Appellants filed a Notice of Appeal in response to a Final Office Action dated October 12, 2006, issued in connection with the above-identified application. In support of the Appeal, Appellants hereby submit this Appeal Brief to the Board of Patent Appeals and Interferences.

Since the Notice of Appeal for the present invention was electronically filed on January 15, 2007, the two-month date for filing this Appeal Brief is March 15, 2007. This Appeal Brief

is being electronically filed on May 15, 2007, therefore, a two-month extension is hereby requested.

An extension of time is requested to enable this paper to be timely filed and there is no separate Petition for Extension of Time filed herewith, therefore, this paper is to be construed as also constituting a Petition for Extension of Time Under 37 CFR § 1.136(a) for a period of two months, up to and including, May 15, 2007, to enable this document to be timely filed.

The Commissioner is authorized to deduct the fee for filing this Appeal Brief (\$500.00) from Williams, Morgan & Amerson, P.C.'s PTO Account No. 50-0786/2000.053700. Additionally, the Commissioner is authorized to deduct the fee for a two-month extension from Williams, Morgan & Amerson, P.C.'s PTO Account No. 50-0786.

No other fee is believed to be due in connection with the filing of this document. However, should any fee(s) under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee(s) from Williams, Morgan & Amerson, P.C.'s PTO Account No. 50-0786/2000.053700.

I. REAL PARTY IN INTEREST

The present application is owned by Advanced Micro Devices, Inc.

II. RELATED APPEALS AND INTERFERENCES

Appellants are not aware of any related appeals and/or interferences that might affect the outcome of this proceeding.

III. STATUS OF CLAIMS

Claims 1-25 are pending in the application and are the subject of this Appeal. The Examiner rejected claims 1-25.

The Examiner rejected claims 1-8, 10-16 and 18-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,353,776 (*Rohrl*).

The Examiner rejected claims 9 and 25 under 35 U.S.C. 103(a) as being anticipated by *Rohrl*, and further in view of *Lambert* (US Patent No. 5,642,380).

The Examiner rejected claim 17 under 35 U.S.C. 103(a) as being anticipated by *Rohrl*, and further in view of Newton's Telecom Dictionary (*Newton*).

IV. STATUS OF AMENDMENTS

After the Final Rejections, no other amendments were made to any other claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides for preventing unauthorized communication between a user terminal (110) and a base station (120). As called by independent claim 1, a method is provided for authorizing a user terminal (110) to communicate with a base station (120) in a communication system (100), wherein the user terminal (110) includes a transmitter (220) for transmitting information to the base station (120). A determination is made as to whether if an authorization signal has been received from the base station (120) at the user terminal (110) within a specified period of time for the transmission of the authorization signal. The authorization signal authorizes the user terminal (110) to communicate with the base station (120). The transmitter (220) of the user terminal (110) is disabled providing that the authorization signal has not been received within the specified period of time. *See Specification,*

page 8, line 18-page 9, line 2; page 10, lines 12-21; page 15, line 21-page 17, line 14; Figures 1 and 3.

The present invention also provides for a device for communicating with a base station (120) of a communication system (100), as called for by independent claim 8 of the present invention. The device includes a signal detector that determines if an authorization signal has been received from the base station (120) at the device within a specified period of time for the transmission of the authorization signal. The authorization signal authorizes the device to communicate with the base station (120). The device also includes a transmitter (220) that transmits information to the base station (120). The device further includes a controller that disables the transmitter (220) of the device providing that the authorization signal has not been received within the specified period of time. *See Specification, page 8, lines 10-16; page 10, lines 12-21; page 12, lines 1-19; page 13, lines 1-16; Figures 1 and 2*

As called for by independent claim 18, the present invention also provides for an apparatus for authorizing a user terminal (110) to communicate with a base station (120) in a communication system (100), wherein the user terminal (110) including a transmitter (220) for transmitting information to the base station (120). The apparatus includes means for determining if an authorization signal has been received from the base station (120) at the user terminal (110) within a specified period of time for the transmission of the authorization signal. The authorization signal authorizes user terminal (110) to communicate with the base station (120). The apparatus also includes means for disabling the transmitter (220) of the user terminal (110) providing that the authorization signal has not been received within the specified period of time. *See Specification, page 8, lines 10-16; page 10, lines 12-21; page 12, lines 1-19; page 13, lines 1-16; page 14, line 20- page 15, line 20; Figures 1 and 2.*

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-8, 10-16 and 18-24 are unpatentable under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,353,776 (*Rohrl*);
2. Whether claims 9 and 25 are unpatentable under 35 U.S.C. 103(a) as being anticipated by *Rohrl*, and further in view of *Lambert* (US Patent No. 5,642,380); and
3. Whether claim 17 is unpatentable under 35 U.S.C. 103(a) as being anticipated by *Rohrl*, and further in view of Newton's Telecom Dictionary (*Newton*).

VII. ARGUMENT

The present invention is directed to a communication system that provides for restricting communications between a base station and a user terminal to authorized users. The present invention calls for determining if a user terminal has received an authorization signal from the base station within a specified period of time. The present invention calls for disabling a transmitter of the user terminal when the authorization signal was received within the specified period of time.

The Examiner heavily relies upon *Rohrl* to reject the claims of the present invention. However, *Rohrl* fails to disclose disabling a transmitter of the user terminal if the authorization signal is not timely received. *Rohrl* is directed to transmitting code information that is authorized within a response code signal from a transponder. *Rohrl* is directed to controlling functions in a motor vehicle only if the propagation time of the code information are within the reference propagation time and the code information is authorized. See *Rohrl*, col. 9, lines 23-26. However, controlling certain functions in the motor vehicle described by *Rohrl*, does not anticipate or make obvious disabling a transmitter of the user terminal. Therefore, *Rohrl* does

not anticipate or make obvious all of the elements of any of the claims of the present inventions. As described in details below, other cited prior art references do to make up for this deficit. Accordingly all of the pending claims of the present invention are allowable.

The specific claims of the present invention are discussed below.

A. Claims 1-8, 10-16 and 18-24 Are Not Unpatentable Under 35 U.S.C. §102(e) As Being Anticipated By U.S. Patent No. 6,353,776 (*Rohrl*)

Appellants respectfully assert that the Examiner has failed to show that each element of claims 1-8, 10-16 and 18-24 are anticipated by *Rohrl*. For example, independent claim 1, among other things, calls for determining if an authorization signal authorizing a user terminal to communicate with a base station has been received from the base station at the user terminal within a specified period of time for the transmission of the authorization signal, and disabling a transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time. The Examiner's application of *Rohrl* to claim 1 for the purposes of anticipation is flawed. For at least the reasons set forth below, claim 1 is thus allowable and its dependent claims 2-7 are also allowable.

In response to the Appellants' arguments, the Examiner reasserts that every element of claim 1 is taught by *Rohrl*. In particular, at page 2 of the Final Office Action dated October 12, 2006, the Examiner alleges that *Rohrl* discloses a base station 14, which is configured such that it records the time of signal emission by the transmitter unit 11, and the time of the reception of a response signal by the receiving unit 12 (in particular, of the checkbits that are relevant to the propagation time). The Examiner then alleges that real-time measurement takes place in the base station 14, during which the start is determined by the emission of checkbits by the base station 14 and the end is determined by the reception of the corresponding checkbits by the base station

14. According to the Examiner, the propagation time of the checkbits, i.e., from the emission by the transmitter unit 11 to the reception by the receiving unit 12 is measured and is compared with a maximum admissible reference propagation time. In this way, the Examiner asserts that the functions of **Rohrl** in the motor vehicle are controlled only if the propagation time of the code information (i.e., checkbits) lies within the reference propagation time and the code information is authorized. Thus, the Examiner concludes that all the features of claim 1 are anticipated by **Rohrl**. Appellants respectfully disagree for at least the reasons set forth below.

Rohrl at least does not teach disabling a transmitter of the user terminal, set forth in claim 1. In **Rohrl**, the base station 14 controls functions in the motor vehicle. To control functions in the motor vehicle, the code information is authorized and transmitted within the response code signal from a portable code transponder, which is distinct from the base station 14. That is, **Rohrl** describes transmitting code information that is authorized within the response code signal from the transponder. As such, **Rohrl** describes controlling functions in the motor vehicle only if the propagation time of the code information (i.e., checkbits) lies within the reference propagation time and the code information is authorized. See **Rohrl**, col. 9, lines 23-26. The controlling of certain functions in the motor vehicle by **Rohrl**, however, is not disabling a transmitter of the user terminal. As can be seen, **Rohrl** is completely silent about disabling a transmitter of the user terminal if the authorization signal is not timely received at the user terminal, as set forth in claim 1.

The Examiner alleges that **Rohrl** teaches disabling a transmitter of the user terminal if the authorization signal is not timely received at the user terminal, set forth in claim 1. **Rohrl** does not support the Examiner's argument because **Rohrl** controls functions in the motor vehicle that includes the base station after the portable code transponder 1 determines that a request or

interrogation code signal have been requested by an authorized base station 14. According to the Examiner, the user terminal that receives the authorization signal from the base station is equivalent to the portable code transponder 1 of *Rohrl* that sends the authorized code information to the base station 14. In *Rohrl*, however, if the response code signal is requested by an unauthorized remote interrogation of the remotely disposed portable code transponder 1 a transmitter of the user terminal is not disabled, but rather control of a function for the base station at the motor vehicle is enabled or nor enabled. In particular, *Rohrl* enables or not enables a function for the base station at the motor vehicle upon non-recognizing of a response code signal as permissible by the portable code transponder 1. Although certain functions of the base station 14 may be disabled, the base station 14 retains its ability to transmit.

The Examiner further alleges that the *Rohrl* reference teaches receiving the authorization signal from the base station, as set forth in claim 1. The Appellants respectfully disagree and note that *Rohrl* does not teach receiving the authorization signal from the base station. *Rohrl* describes a technique that relates to an access control and driving an authorization device for a motor vehicle. To control at least one function of an object, *Rohrl* takes measures for preventing an unauthorized use or access to the object. In particular, *Rohrl* performs an authorization check by determining whether authorized code information is received from a portable code transponder 1, in a response signal at the base station 14. See *Rohrl*, col. 11, lines 1-5. According to the Examiner, the “portable code transponder 1” shown in Figure 1 of *Rohrl* corresponds to the “user terminal” in claim 1. See Office Action, p. 3. The “base station 14” shown in Figure 1 shown in Figure 2 of *Rohrl* corresponds to the “base station,” as set forth in claim 1. In *Rohrl*, the authorized code information item is received from a portable code transponder, which is not the base station. See *Rohrl*, col. 11, lines 1-5. Instead, the portable

code transponder is a card (i.e., a smart card or the like). Moreover, the portable code transponder is used as an identification transmitter that automatically transmits back a response code signal to indicate that the code information is authorized after determining that a request or interrogation code signal has not been requested by an unauthorized remote interrogation from the base station to control functions in the motor vehicle that includes the base station. See *Rohrl*, col. 9, lines 22-26 and 40-45.

In rejecting claim 1, the Examiner further argues that the portable code transponder 1 indicating that the code information is authorized corresponds to receiving the authorization signal from the base station. According to the Examiner, because *Rohrl* teaches authenticating an interrogation request from the base station 14 at the portable code transponder 1 to indicate whether the code information is authorized before transmitting the response code signal from that portable code transponder 1 to the base station 14 to enable or not enable a function for that base station, *Rohrl* teaches determining if an authorization signal has been received from the base station for authorizing a user terminal to communicate. The Appellants respectfully disagree.

Appellants submit that determining whether the response code signal is requested by an unauthorized or authorized remote interrogation (as described by *Rohrl*) differs from determining if an authorization signal has been received from the base station for authorizing a user terminal to communicate with that base station (as set forth in the present application). Therefore, for reasons presented above, “determining if an authorization signal has been received from the base station for authorizing a user terminal to communicate” recited in claim 1 cannot and is not taught or suggested by “determining whether the code information contained in the response code signal transmitted from the transponder is authorized in response to receiving an

interrogation code signal from the base station,” as suggested by the Examiner. To the contrary, **Rohrl** teaches away from receiving the authorization signal from the base station and disabling a transmitter of the user terminal. For this reason alone, the claim 1 features differ from teachings indicated by the Examiner.

With respect to rejection of claims 8 and 18, Appellants respectfully submit that §102 rejection should be withdrawn since the Examiner fails to establish anticipation based on the teachings of **Rohrl** for at least the reasons noted above in the context of claim 1. Accordingly, claims 8 and 18 are allowable.

B. Claims 9 and 5 Are Not Obviousness Under 35 U.S.C. §103(a) And Are Not Unpatentable Over Rohrl In View Of U.S. Patent No. 5,642,380 (Lambert).

Appellants respectfully assert that the Examiner has failed to show a *prima facie* case of obviousness of claims 9 and 5 of the present invention. In the Office Action, claims 9 and 25 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over **Rohrl** in view of **Lambert** (U.S. Patent No. 5,642,380). Appellants respectfully disagree and submit that claims 9 and 25 cannot be rendered obvious in a *prima facie* manner in view of **Rohrl** and **Lambert**, considered either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or preferences when combined) must teach or suggest all the claim limitations.

To establish a *prima facie* case of obviousness, the Examiner must identify the reasons why a person or ordinary skill in the art would have combined the prior art references in the manner set forth in the claims. *KSR International Co. v. Teleflex Inc.*, No. 04-1350 (U.S. April 30, 2007). The Court in *KSR International* stated that to assert obviousness, there must be a showing that “there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.” *KSR*

International, slip opinion at 14 (emphasis added). One factor in making this analysis “explicit” is to show that three basic criteria are met. The first criteria is to show that the prior art reference (or references when combined) teaches or suggests all the claim limitations. The second criteria is that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. The third criteria is that there is a reasonable expectation of success. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Appellants’ disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to the alleged obviousness, there should be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success viewed in the light of the prior art. Both the

suggestion and the expectation of success must be founded in the prior art, not in the Appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

Appellants respectfully assert that the Examiner did show that there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. The Examiner failed to make explicitly make this analysis. *KSR International*, slip opinion at 14. The Examiner did not meet the legal standards to reject the claims of the present invention under 35 U.S.C. § 103(a) because the prior art references (***Rohrl*** and ***Lambert***) do not teach or suggest all the claim limitations of the claims of the present invention. Additionally, the Examiner has not provided sufficient evidence or arguments that there is a suggestion that one skilled in the art would have been motivated to combine the references (***Rohrl*** and ***Lambert***). In fact, Appellants provide arguments that ***Rohrl*** and ***Lambert*** would not have been combined by one skilled in the art and that there was no apparent reason to combine ***Rohrl*** and the ***Lambert***. Therefore, the Examiner did not meet the legal standards to establish a *prima facie* case for obviousness under 35 U.S.C. § 103(a) with regarding to claims 9 and 25 of the present invention.

Claim 9 sets forth, among other things, a MODEM having a software component with software running thereon and a hardware component that includes the signal detector, transmitter, and controller.

With regard to claim 9, the Examiner asserts that ***Rohrl*** teaches the determining and disabling features set forth in claim 9. The Examiner admits that ***Rohrl*** fails to disclose that the device comprises a modem having a software component with software running thereon and a hardware component that includes the signal detector, transmitter, controller and means for determining and the means for disabling. To remedy this fundamental deficiency in ***Rohrl***, the

Examiner relies on **Lambert**. The Examiner alleges that **Lambert** teaches a MODEM having a software component with software running thereon and a hardware component that includes the signal detector, transmitter, and controller.

Lambert describes a MODEM in which the duration of the symbols of the modulated carrier-signal are variable. See **Lambert**, col. 2, lines 54-55. Unlike a conventional MODEM, in the MODEM described by **Lambert**, a feedback circuit from the output TXD controls a variable divider 10 between a clock generator 12 and the input TXC, thus providing variable shift keying (VSK) of the transmitted data, as well as an output TXA controlling the transmitter, thus shifting the modulation function from the transmitter 6 to the SIO (Serial Input/Output) chip 2. See **Lambert**, col. 4, lines 15-21. However, **Lambert** is completely silent with regard to a MODEM having a software component with software running thereon, as set forth in claim 9.

The Examiner asserts that **Lambert** teaches the MODEM having a software component with software running thereon in col. 6, lines 8-26. This citation by the Examiner by no means supports the Examiner's contention that the MODEM described in **Lambert** corresponds to the MODEM of claim 9. In fact, **Lambert** indicates otherwise, since the described embodiments clarify that the MODEM only includes a feedback circuit that is not common with conventional MODEMS. See **Lambert**, col. 4, lines 12-21. Claim 9 depends from claim 8, so should be allowable for at least the reasons claim 8 is allowable.

Furthermore, the cited references including **Lambert** provide no suggestion or motivation to modify the prior art to arrive at Appellants' claimed invention. To the contrary, **Lambert** teaches away from the present invention. In particular, **Lambert** teaches an unconventional MODEM that uses a feedback circuit, which is not commonly included in a typical MODEM. Appellants respectfully submit that teaching use of a hardware component based MODEM with

uncommon circuitry teaches away from the use of a MODEM having a software component. It is by now well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious. *See, inter alia, In re Fine*, 5 U.S.P.Q.2d (BNA) 1596, 1599 (Fed. Cir. 1988); *In re Nielson*, 2 U.S.P.Q.2d (BNA) 1525, 1528 (Fed. Cir. 1987); *In re Hedges*, 228 U.S.P.Q. (BNA) 685, 687 (Fed. Cir. 1986). As described above, the Examiner failed to show that there was an apparent reason to combine **Rohrl** and **Lambert** in the fashion claimed by the patent at issue. The Examiner failed to make explicitly make this analysis, as required by *KSR International*. Accordingly, the §103 rejection of claim 9 is clearly improper. Appellants also respectfully request the allowance of claim 25, which also calls for a modem including a software component having software running and a hardware component including the means for determining and the means for disabling, which as described above are not made obvious by **Rohrl** and **Lambert**. Therefore, claims 25 is also not obvious for at least the reasons set forth above.

C. **Claim 17 Is Not Obviousness Under 35 U.S.C. §103(a) And Are Not Unpatentable Over Rohrl In View Of Newton's Telecom Dictionary**

Appellants respectfully assert that the Examiner has failed to show a *prima facie* case of obviousness of claims 9 and 5 of the present invention. In the Office Action, claims 9 and 25 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over **Rohrl** in view of Newton's Telecom Dictionary. Appellants respectfully disagree and submit that claim 17 cannot be rendered obvious in a *prima facie* manner in view of **Rohrl** and Newton's Telecom Dictionary, considered either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or preferences when combined) must teach or suggest all the claim limitations.

Appellants respectfully traverse the Examiner's rejections of claim 17 because Newton's Telecom Dictionary fails to describe or suggest all the claim 17 features as a whole.

The Newton's Telecom Dictionary is completely silent as to a device communicating with a base station of a communication system where an authorization signal authorizes the device to communicate with the base station. It is well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious. The Examiner failed to show that there was an apparent reason to combine ***Rohrl*** and Newton's Telecom Dictionary in the fashion claimed by the patent at issue. The Examiner failed to make explicitly make this analysis, as required by *KSR International*. Accordingly, the §103 rejection of claim 17 is clearly improper. The rejection of claim 17 over ***Rohrl*** in view of Newton's Telecom Dictionary fails to establish that the prior art teaches or suggests the claimed invention in a *prima facie* obvious manner as a whole. Also, claim 17 depends from claim 8, so should be allowable for at least the reasons claim 8 is allowable. For at least the aforementioned reasons, Appellants respectfully request that the Board overturn Examiner's §103 rejection of claim 17..

VIII. CLAIMS APPENDIX

The claims currently under consideration, *i.e.*, claims 1-25, are listed in the Claims Appendix attached hereto.

IX. EVIDENCE APPENDIX

There is no evidence relied upon in this Appeal with respect to this section.

X. RELATED PROCEEDINGS APPENDIX

There are no related appeals and/or interferences that might affect the outcome of this proceeding.

In view of the foregoing, it is respectfully submitted that the Examiner erred in not allowing all claims (claims 1-25) pending in the present application over the prior art of record. The undersigned attorney may be contacted at (713) 934-4069 with respect to any questions, comments, or suggestions relating to this Appeal.

Respectfully submitted,
WILLIAMS, MORGAN & AMERSON, P.C.

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CLAIMS APPENDIX

1. (Previously Presented) A method for authorizing a user terminal to communicate with a base station in a communication system, the user terminal including a transmitter for transmitting information to the base station, the method comprising:

determining if an authorization signal has been received from the base station at the user terminal within a specified period of time for the transmission of the authorization signal, the authorization signal authorizing the user terminal to communicate with the base station; and

disabling the transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time.

2. (Original) The method of claim 1, further comprising:

re-enabling the transmitter of the user terminal upon receipt of the authorization signal.

3. (Original) The method of claim 1, wherein determining if an authorization signal has been received at the user terminal within a specified period of time, further comprises:

starting a timer to count for the specified period of time; and

determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time.

4. (Original) The method of claim 3, further comprising:

receiving the authorization signal at the user terminal;

restarting the timer to count for the specified period of time; and

permitting the user terminal to transmit information via the transmitter to the base station upon receipt of the authorization signal.

5. (Original) The method of claim 4, wherein permitting the user terminal to transmit information further comprises:

permitting the user terminal to transmit information via the transmitter to the base station upon receipt of the authorization signal until expiration of the specified period of time and non-receipt of a second authorization signal.

6. (Original) The method of claim 3, wherein determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time, further comprises:

providing a signal to disable the transmitter of the user terminal providing that the specified period of time on the timer has expired; and

disabling the transmitter of the user terminal.

7. (Original) The method of claim 3, wherein determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time, further comprises:

permitting the transmission of information from the transmitter of the user terminal to the base station providing it is determined that a second authorization signal has not been received and the specified period of time on the timer has not expired.

8. (Previously Presented) A device for communicating with a base station of a communication system, the device comprising:

a signal detector that determines if an authorization signal has been received from the base station at the device within a specified period of time for the transmission of the authorization signal, the authorization signal authorizing the device to communicate with the base station;

a transmitter that transmits information to the base station; and
a controller that disables the transmitter of the device providing that the authorization signal has not been received within the specified period of time.

9. (Original) The device of claim 8, wherein the device comprises a modem having a software component with software running thereon and a hardware component that includes the signal detector, transmitter and controller.

10. (Original) The device of claim 8, wherein the controller is capable of re-enabling the transmitter upon receipt of the authorization signal.

11. (Original) The device of claim 8, further comprising:

a timer capable of counting for the specified period of time; and
wherein the controller determines if the authorization signal has been received at the device prior to the timer expiring at the specified period of time.

12. (Original) The device of claim 11, wherein the authorization signal is received at the device, and wherein the timer restarts to count for the specified period of time, and the controller permits the device to transmit information via the transmitter to the base station upon receipt of the authorization signal.

13. (Original) The device of claim 12, wherein the controller further permits the transmission of information via the transmitter to the base station upon receipt of the authorization signal until expiration of the specified period of time on the timer and non-receipt of a second authorization signal at the device.

14. (Original) The device of claim 11, wherein the controller disables the transmitter providing that the specified period of time on the timer has expired.

15. (Original) The device of claim 11, wherein the transmitter is enabled for the transmission of information to the base station providing a second authorization signal has not been received at the device and the specified period of time has not expired on the timer.

16. (Original) The device of claim 8, wherein the device and the base station communicate with each other over a radio communication channel.

17. (Original) The device of claim 8, wherein the device and the base station communicate with each other in accordance with a Global system for Mobile Communications (GSM) protocol.

18. (Previously Presented) An apparatus for authorizing a user terminal to communicate with a base station in a communication system, the user terminal including a transmitter for transmitting information to the base station, the apparatus comprising:

means for determining if an authorization signal has been received from the base station at the user terminal within a specified period of time for the transmission of the authorization signal, the authorization signal authorizing the user terminal to communicate with the base station; and

means for disabling the transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time.

19. (Original) The apparatus of claim 18, further comprising:

means for re-enabling the transmitter of the user terminal upon receipt of the authorization signal.

20. (Original) The apparatus of claim 18, wherein the means for determining if an authorization signal has been received at the user terminal within a specified period of time, further comprises:

means for starting a timer to count for the specified period of time; and

means for determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time.

21. (Original) The apparatus of claim 20, further comprising:

means for receiving the authorization signal at the user terminal;

means for restarting the timer to count for the specified period of time; and

means for permitting the user terminal to transmit information via the transmitter to the base station upon receipt of the authorization signal.

22. (Original) The apparatus of claim 21, wherein the means for permitting the user terminal to transmit information further comprises:

means for permitting the user terminal to transmit information via the transmitter to the base station upon receipt of the authorization signal until expiration of the specified period of time and non-receipt of a second authorization signal.

23. (Original) The apparatus of claim 20, wherein means for determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time, further comprises:

means for providing a signal to disable the transmitter of the user terminal providing that the specified period of time on the timer has expired; and

means for disabling the transmitter of the user terminal.

24. (Original) The apparatus of claim 20, wherein the means for determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time, further comprises:

means for permitting the transmission of information from the transmitter of the user terminal to the base station providing it is determined that a second authorization signal has not been received and the specified period of time on the timer has not expired.

25. (Original) The apparatus of claim 18, wherein the apparatus comprises a modem including a software component having software running thereon and a hardware component including the means for determining and the means for disabling.